

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>RICHARD LAKE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. CV 04-S-888-S</b>
	)	
<b>STEVEN BULLARD, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OF OPINION**

This is a civil action filed pursuant to 42 U.S.C. § 1983 by plaintiff, in which he alleges his constitutional rights were violated while incarcerated at W.E. Donaldson Correctional Facility. Plaintiff names Nurse Smith, Sgt. Tipton, Dental Assistant Paula Pates<sup>1</sup>, and COI Marcus Atchison as defendants, and alleges said defendants were either deliberately indifferent to his serious medical needs or retaliated against him for seeking redress of his grievances.<sup>2</sup> As compensation for the alleged constitutional violations, plaintiff seeks monetary damages.

On January 18, 2006, the magistrate judge entered a report and

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<sup>1</sup> Correct spelling, "Pate."

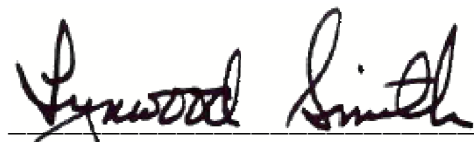
<sup>2</sup> Plaintiff also made additional claims against numerous defendants in his original complaint. In a Report and Recommendation entered December 27, 2004, the magistrate judge recommended the dismissal of the additional claims against said defendants. By order entered March 1, 2005, the undersigned district judge adopted the magistrate judge's recommendation pursuant to 28 U.S.C. § 1915A, and dismissed the additional claims and defendants.

recommendation, recommending that summary judgment be granted to defendants Smith, Tipton, Pate and Atchison. No objections to the report and recommendation have been filed.

Having carefully reviewed and considered *de novo* all the materials in the file, including the report and recommendation, the Court is of the opinion that the magistrate judge's findings of fact are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the motion for summary judgment filed by defendants Smith, Tipton, Pate and Atchison is due to be GRANTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact showing defendants Smith, Tipton, Pate and Atchison were either deliberately indifferent to plaintiff's medical needs or retaliated against plaintiff for seeking redress of his grievances. Therefore, defendants Smith, Tipton, Pate and Atchison are entitled to judgment as a matter of law, and plaintiff's action is due to be DISMISSED WITH PREJUDICE.

An appropriate order will be entered.

DONE this 15th day of February, 2006.

  
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United States District Judge

